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In re Application of
Heike et al.
Application No. 10/522,896
PCT No.: PCT/DE04/00870
Int. Filing Date: 26 April 2004
Priority Date: 30 April 2003
Atty. Docket No.: 03P06168
For: Illuminating System Having
Sequential Color Filtering And A
High-Pressure Discharge Lamp

COMMUNICATION

This is in response to the petition under 37 CFR 1.137(b) filed on 25 October 2006.

DISCUSSION

In a Communication mailed on 27 September 2006, the declaration filed on 27 January 2006 was not accepted because

The text of the instant declaration has not been fully translated because the title of the invention appearing on the declaration document appears only in German. Therefore, pursuant to 37 CFR 1.69(b), it would not be appropriate to accept the declaration filed on 27 January 2006 for this reason.

Furthermore, it was observed that

...the translation of the international application is defective in that the first page of the specification includes untranslated German text ("Patent-Treuhand-Gesellschaft für elektrische Glühlampen mbH., Munich"). A proper translation and the processing fee under 37 CFR 1.492(i) are required.

Since applicants had not timely replied to the Notification of Missing Requirements (Form PCT/DO/EO/905) mailed on 15 December 2005 and the Notification of Defective Response (Form PCT/DO/EO/916) mailed on 03 April 2006, this international application was held to have become abandoned with respect to the national stage in the United States.

In response, applicants have filed the instant petition under 37 CFR 1.137(b) and accompanying documents. Applicants state that "the entire delay in filing the required reply from the due date for the reply until the filing of this petition was unintentional." This is being construed as a statement that "the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional." Petitioner must notify the Patent and Trademark Office if such an interpretation of the statement in the petition is not correct. Thus, the statement in the petition is being accepted in satisfaction of 37 CFR 1.137(b)(3).

A review of the application file reveals that applicants have paid the petition fee. Applicants have also filed the required reply in the form of an executed declaration of the inventors which is in compliance with 37 CFR 1.497(a) and (b). Thus, the requirements of 37 CFR 1.137(b) have been satisfied. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the National stage in the United States of America.

It is also observed that petitioner has also filed a new English translation of the international application, along with the processing fee under 37 CFR 1.492(i).

CONCLUSION

The petition under 37 CFR 1.137(b) is **GRANTED**.

This application is being forwarded to the National Stage Processing Branch for further processing. Its date under 35 U.S.C. 371(c)(1), (2) and (4) is **25 October 2006**.



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